

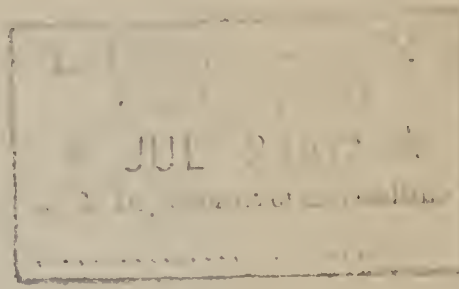
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UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

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STATE FORESTRY LAWS

A parallel classification showing the comparative progress of each State in forestry legislation

OHIO

(Serial 1—Through Reg. Sess., 1915)

Compiled in the Office of State Cooperation by Jeannie S. Peyton

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PURPOSE OF COMPILATION.

Information about the forestry laws of the various States, especially about those laws dealing with certain specific problems, is being demanded more and more; and requests for such information, coming from legislators, State administrative officers, forestry associations, forest schools, and other bodies and individuals, have led to the compilation, informally, of such State laws as bear more or less directly on the practice of forestry.

The purpose of the compilation, of which this serial is a part, is to make easy a comparative study of the laws of the different States and to further the development of practical forestry legislation. By the classification of the laws and parts of laws under the headings, "Administration," "Fire Protection," "Public Forests," and "Taxation," the comparison is simplified, and the progress of each State, or lack of it, in these particulars, is clearly shown.

The better to accomplish this educational aim, the great mass of timber and tree laws and those finer points of reference proper only to a legal or administrative manual have been omitted. Explanatory matter in bold type is not a part of the original text.

PART I.—ADMINISTRATION.

(This part comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of

these or other State officers in connection with forest fires, State and municipal forests or other State lands, or forest taxation, see Parts II, III, and IV, respectively.)

PART I—Contd.]

BOARD OF CONTROL OF THE OHIO AGRICULTURAL
EXPERIMENT STATION.**1. Conducts investigations and experiments.**

The board of control¹ [of the Ohio Agricultural Experiment Station] shall carefully inquire into the character and extent of the forests of the State, the causes of their waste and decay, and methods for their preservation and development. It shall conduct investigations in the several sections of the State, determine the species of valuable trees best suited to grow on the various kinds of soil, and ascertain the best methods and cost of the propagation, planting, and cultivation of wood lots and plantations. It shall determine the average rate of growth of the various species of trees and the relative values of different kinds of timber for domestic and commercial purposes, and conduct experiments for the purposes of increasing durability of the various kinds of wood; determine the kind of trees and shrubs best suited to different localities for windbreaks and shelter, and for beautifying grounds, and ascertain the best methods of planting and managing them. [Sec. 1177-10, Gen. Code of Ohio, 1910, in L. 1915, p. 126.]

2. Cooperates with United States Department of Agriculture.

The board of control may cooperate with the Department of Agriculture of the United States in con-

ducting such portion of the work mentioned in section 1177-10 of the General Code,¹ as may be agreed upon by the board of control and such department of agriculture. [Sec. 1177-11, Gen. Code of Ohio, 1910, in L. 1915, p. 126.]

3. Cooperates with counties.

a. Use of county experiment farms for forest culture.—The county experiment farms² established under this act shall be used * * * for illustrations of the culture of forest trees and the management of farm woodlots; * * * or for such part of the above lines of work as it may be practicable to carry on. [Sec. 1175, Gen. Code of Ohio, 1910, in L. 1915, p. 124.]

b. Working plans for experiment farms.—Before entering upon any line of investigation or demonstration upon any of the county experiment farms established under this act, the director of the experiment station shall submit a written plan of such contemplated work to an advisory board, consisting of the county agricultural society of the county in which such experiment farm may be located, or if there be no county agricultural society, then the board of county commissioners of such county, and if such plan is not approved by such advisory board, then the work shall not be undertaken. [Sec. 1177-6, Gen. Code of Ohio, 1910, in L. 1915, p. 125.]

PART II.—FIKE PROTECTION.

(This part comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of State-owned lands, see Part III.)

KINDLING FIRES IN THE OPEN.

1. Criminal liability.

For maliciously or negligently setting fire to woods, etc., or letting fire escape.—Whoever maliciously or negligently sets fire to woods, prairies or grounds not his property, or maliciously permits fire to pass from his prairies or grounds to the injury or destruction of the property of any other person, shall be fined not more than one hundred dollars, or imprisoned not more than twenty days, or both. [Sec. 12436, Gen. Code of Ohio, 1910.]

¹ The board of control consists of five members, appointed by the governor, with the advice and consent of the senate, all of whom are required to be practical farmers. (Sec. 1171, Gen. Code of Ohio, 1910, in L. 1915, p. 122, sec. 2.) The board appoints a director, who with its approval appoints the personnel of the station, including the chief of the department of forestry. (Sec. 1171-4, Gen. Code of Ohio, 1910, in L. 1915, p. 123, sec. 6.)

RAILROADS.

2. Provide spark arresters, and keep them in good repair.

[¶ 1.] Except in the months of December, January, and February, any company or person operating a railroad or a part of one, shall place on every locomotive engine used therefor, or in construction or repairing the road, such device or contrivance as most effectually will guard against the escape of fire or sparks that otherwise would be thrown out by such engines, and keep the device in good repair. [Sec. 8966, Gen. Code of Ohio, 1910.]

[¶ 2.] **Penalty.**—A railroad company, corporation, or person violating the provisions of the next preceding section, upon conviction thereof in a court of competent jurisdiction, shall forfeit and pay for each violation any sum not exceeding one hundred dollars. **Injunction proceedings.**—In addition thereto the

¹ See Table of Acts, p. 4.

² Any county may at its own expense equip and maintain such an experiment farm, the actual management of which devolves upon the board of control of the agricultural experiment station. (Sec. 1176 et seq., Gen. Code of Ohio, 1910, in L. 1915, pp. 124, 125.)

PART II—Contd.]

court of common pleas, in a county through which such railroads are constructed and operated, may enjoin such companies, corporations or persons from using on such railroads, a locomotive not provided with the device hereinbefore required. [Sec. 8967, Gen. Code of Ohio, 1910.]

3. Rights of way cleared.

a. By railroads.—Every company, or person in charge of a railroad as manager or receiver, shall keep the right of way clear from weeds, high grass, and decayed timber, which from nature or condition are combustible, and liable to take or communicate fire from passing locomotives to abutting or adjacent property. **Civil liability for injuries caused by carelessness or neglect.**—Such company shall be liable for all damages sustained by the owner or occupant of such property from carelessness or neglect to keep its right of way clear of such combustible material. [Sec. 8968, Gen. Code, 1910.]

b. By adjacent owners.—In case of failure to comply with the above requirements, a person owning or controlling property abutting on or adjacent to a railroad right of way, after twenty days' notice in writing, the default still continuing, may cause all combustible material to be removed from the right of way along or by such property. **Recovery of costs.**—Upon presentation of a reasonable account therefor to the agent at the nearest station of such company or receiver, if it or he refuses to pay the amount asked, within thirty days, it may be recovered before any court having jurisdiction therefor. [Sec. 8969, Gen. Code of Ohio, 1910.]

4. Liability for loss or damage by fires.

a. Originating upon railroad lands.—Every company, or receiver of such company, operating a railroad or a part of one, shall be liable for all loss or

damage by fires originating upon the land belonging to it caused by operating such road. **Originating upon adjacent lands.**—Such company, or receiver of such company, further shall be liable for all loss or damage by fires originating on lands adjacent to its land, caused in whole or part by sparks from an engine passing over such railroad. [No exemption from liability through care in equipping and operating engines.—] and the exercise by such company, or receiver of such company, of due care in equipping and operating such engine shall not exempt such company, or receiver of such company, from such liability, which may be recovered before any court of competent jurisdiction within the county in which the lands on which such loss or damage occurs are situated. [Sec. 8970, Gen. Code of Ohio, 1910; in L. 1911, pp. 108, 109, sec. 1.]

b. [¶ 1.] Fire, prima facie evidence of liability.—The existence of fires upon the railroad company's lands is prima facie evidence that they are caused by operating such railroad. **Proviso.**—Provided that nothing herein shall invalidate or prohibit contracts of such company or receiver now existing or hereafter made, by which such company or receiver is indemnified against such loss or damage by fire, or liability therefor released. [Sec. 8970, Gen. Code of Ohio, 1910; in L. 1911, pp. 108, 109, sec. 1.]

[¶ 2.] **No exemption from liability on plea of neglect on part of owner.**—In no case shall it be considered as negligence on the part of the owner or occupant of property so injured by fire, that he used it, or permitted it to be used and remain as if no railroad passed through or near such property. **Exception.**—But this rule shall not apply in cases of injury by fire to personalty which at the time was on the property occupied by such road. [Sec. 8972, Gen. Code of Ohio, 1910.]

PART III.—PUBLIC FORESTS.

(This part comprises the provisions of law, if any, for the establishment and care of State and municipal forests, and for the practice of forestry on these and on other lands owned by the State.)

STATE FORESTS.

1. State board of control.

a. Purchases lands for State forests—Cost limited.—The board of control of the agricultural experiment station may buy forested lands or other lands in the State suitable for the growth of forest trees, at a price not exceeding ten dollars per acre, to the amount of the appropriation for that purpose. All lands so purchased shall be deeded to the State and shall be known as State forests, but the purchase price of such lands shall not be paid until the title thereof has been approved by the attorney general.

[Sec. 1177–10a, Gen. Code of Ohio, 1910, in L. 1915, p. 540, sec. 1.]

b. Has charge of lands.—[The board shall] have entire custody of such forest lands, and employ such local assistance as it may deem necessary.

c. Promotes reforestation.—The board may plant such trees as it may deem expedient, and take such measures as it may deem necessary to bring about a profitable growth of timber on such lands.

d. Protects the lands.—The board may fence such lands with substantial wire fencing, protect them from forest fires and trespassers, preserve the timber thereon. * * *. [Sec. 1177–10b, Gen. Code of Ohio, 1910, in L. 1915, p. 540, sec. 2.]

e. Sells timber therefrom, and portions of the lands.—The board of control may sell wood and timber from the State forests whenever they may deem

PART III—Contd.]

such sale desirable, and with the approval of the attorney general may sell portions of the State forest lands when such lands shall command a greater price than cost and interest thereon, and may execute a deed thereof for and in behalf of the State. [Sec. 1177-10c, Gen. Code of Ohio, 1910, in L. 1915, p. 540, sec. 3.]

2. Disposition of moneys derived from sales of lands or timber.

All monies received from the sale of forest lands or from the sale of wood or timber thereon shall be paid into the State treasury to the credit of the general revenue fund. [Sec. 1177-10c, Gen. Code of Ohio, 1910, in L. 1915, p. 540, sec. 3.]

PART IV.—TAXATION.

(This part comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private

owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning State or municipal forests, or other State lands, see Part III.)

TABLE OF ACTS.

Statutory references.	Equivalent references ¹ in this compilation (Serial 1).	Statutory references.	Equivalent references ¹ in this compilation (Serial 1).
Gen. Code of O., 1910, sec. 8966.....	II, 2 (§1).	(In Sess. Laws volume 1915, ² 1175.....	I, 3a.
8967.....	II, 2 (§2).	1176 <i>et seq.</i> ...	I, 3a (footnote).
8968.....	II, 3a.	1177-6.....	I, 3b.
8969.....	II, 3b.	1177-10.....	I, 1.
8972.....	II, 4b (§2).	1177-10a....	III, 1a.
12436.....	II, 1.	1177-10b....	III, 1b, c, d.
(In Sess. Laws volume, 1911 ²), 8970.....	II, 4a, b (§1).	1177-10c....	III, 1e, 2.
(In Sess. Laws volume, 1915 ²), 1171.....	I, 1 (footnote).	1177-11.....	I, 2.
1171-4.....	I, 1 (footnote).		

¹ References are given in the order in which the subject-matter occurs in the original text.

² The section numbers which follow are in conformity to the code, as required by the Ohio law.